

REMARKS

The Official Action of October 9, 2007, and the prior are relied upon therein have been carefully reviewed. The claims in the application are now claims 1, 4, 7, 10 and 15-22, including new claims 17-22. These claims define patentable subject matter warranting their allowance, and therefore should be allowed. Favorable reconsideration and allowance are earnestly solicited.

Under the heading "Priority under 35 U.S.C. §119" in the Office Action summary, box 12a alone has been checked. Applicants understand, in spite of no checking of box 12 and box 12a3, that the examiner has acknowledged receipt of applicants' papers filed under Section 119. If applicants misunderstand, clarification is requested.

New claims 17-22 have been added. There should be no question regarding support for claims 17-20. Support for claims 21 and 22 can be found at page 12, lines 7-11 of applicants' specification. These claims are patentable for the reasons set forth below in the reply to the outstanding rejections.

Claims 1, 4, 7, 10 and 14-16 have been rejected under the second paragraph of Section 112. The rejection is respectfully traversed.

Taking into account the examiner's comments, amendments have been made in the claims in order to place them in better form for U.S. prosecution. Nevertheless, applicants believe the claims as previously drafted, considered in light of applicants' specification (consistent with the law), would not have been confusing to those skilled in the art, and therefore the claims in their previous form are believed to be fully in accordance with Section 112. At **worst**, the claims in their previous forms might be considered objectionable, but **only** as to form, requiring no substantial amendments in this regard relating to patentability.

Withdrawal of the rejection is in order and is respectfully requested.

Claims 1, 4, 7 and 16 have been rejected under Section 102 as anticipated by Lechner et al, reference AA off the IDS filed February 20, 2007 (Lechner). This rejection is respectfully traversed.

Applicants' claims call for the administration of colony-stimulating factors in conjunction with the claimed therapies. Lechner does not disclose or describe such a use, e.g. the use of G-CSF in treating diabetes. As the claimed

subject matter is not disclosed by Lechner, it follows that Lechner does not anticipate any of applicants' claims.

Withdrawal of the rejection is in order and is respectfully requested.

Claims 1, 4, 7, 10 and 14-16 have been rejected under Section 102 as anticipated by Hussain WO/2004/030628 (Hussain). This rejection is respectfully traversed.

Applicants first note that Hussain has an international publication date of April 15, 2004, the same date as applicants' filing date, and that applicants are entitled to their priority date of April 15, 2003. Under these conditions, applicants question whether Hussain is "prior art" for the present application.

Regardless, applicants believe that Hussain is quite different from the present invention in that it discloses the step of administering bone marrow derived stem cells, whereas the present invention does not comprise administering bone marrow derived stem cells. As administering bone marrow derived stem cells appears to be an essential step of Hussain, and as the present invention does not involve or comprise any such step, it follows that Hussain does not anticipate any of applicants' claims.

Withdrawal of the rejection is in order and is respectfully requested.

Appln. No. 10/553,672
Amd. dated January 9, 2008
Reply to Office Action dated October 9, 2007

Applicants believe that all issues raised in the Official Action have been addressed above in a manner that should lead to patentability of the present application. Favorable consideration and early formal allowance are respectfully requested.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By

A handwritten signature in black ink, appearing to read "S. Neimark", is written over a horizontal line.

Sheridan Neimark

Registration No. 20,520

SN:tdd
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\Y\YUAS\KAWABE1\Pto\2008-01-09AMD FRM.doc